

1981 Senate Bill 392

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**CHAPTER 177 , Laws of 1981**

AN ACT to amend 117.01 (1) (e), 117.02 (1) (a) and (3) and 117.08; and to create 117.02 (1) (am) of the statutes, relating to various changes in the statutes regulating school district reorganization.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 117.01 (1) (e) of the statutes is amended to read:

117.01 (1) (e) All territory within the state shall be included in a school district operating elementary school grades and a school district operating high school grades or in a school district operating both elementary and high school grades. No territory may be detached from a school district unless by the same order it is included in another school district or included in the creation of a new school district. No territory may be detached from a school district which operates high school grades unless by the same order it is attached to another school district which operates high school grades. No territory may be detached from a union high school district so as to make parts of the school district noncontiguous. ~~No common school district may be created having less than \$150,000 of assessed valuation.~~

SECTION 2. 117.02 (1) (a) of the statutes is amended to read:

117.02 (1) (a) Upon the filing of a petition with the secretary of the appropriate agency school committee signed by 10% of the electors residing in the territory of a proposed reorganized school district or signed by 10% of the electors residing in territory proposed to be detached from one school district and attached to another, or upon adoption of a resolution on its own motion, the agency school committee, after a public hearing, may order the reorganization of school districts within the agency. The petition shall include a description of the territory proposed to be detached sufficiently accurate to determine its location and shall be certified as to the accuracy of the description by the clerk of each city, town or village within which all or any part of the territory proposed to be detached is located. Written notice of intent to circulate a petition shall be filed with the clerk of each school district affected by the proposed reorganization at least 30 days prior to circulation of the petition. The secretary of the agency school committee shall set a date for the public hearing by the agency school committee on the proposed reorganization which shall be held not more than ~~30~~ 45 days after either the filing of the petition or the adoption of the resolution at a place within the school district proposed to be reorganized or within a reasonable distance of such school district. Notice of the public hearing shall be given as provided in sub. (3). At any time prior to publication of the notice of the public hearing, the petition may be withdrawn upon the filing of a written request with the secretary of the agency school committee signed by all of the petitioners or by the person designated as having such authority in the petition. Within 30 days after the hearing on any proposed reorganization and before the making of any order thereon, the agency school committee shall hold a conference on the proposed reorganization with the school boards of the districts affected. The agency school committee shall reach its decision at this conference and an order conforming therewith shall be made within 10 days.

SECTION 3. 117.02 (1) (am) of the statutes is created to read:

117.02 (1) (am) The agency school committee shall consider and weigh the following factors as they affect the educational welfare of all the children of all the school districts affected by the proposed reorganization in reaching its decision under par. (a), and may consider and weigh other appropriate factors:

1. The geographical characteristics of the school districts affected.
2. The educational needs of all the pupils enrolled in the school districts affected and the ability of each school district to meet those needs.
3. The testimony of and written statements filed by the residents of the school districts affected.
4. The estimated fiscal effect of the proposed reorganization on the school districts affected, including the effect of the apportionment of assets and liabilities.

SECTION 4. 117.02 (3) of the statutes is amended to read:

117.02 (3) NOTICE OF PUBLIC HEARINGS. Service of notice of a public hearing on a proposed reorganization under this section shall be made by the secretary of the agency school committee at least 10 days before the date of hearing. The notice shall be in writing, shall state the hour, day and place of such hearing and shall be served ~~upon~~ on the clerk of each school district, town, village and city affected by the proposed reorganization. Such service ~~Service~~ shall be either by personal service or by ~~certified mail with return receipt requested~~ 1st class mail. The secretary also shall mail a copy of the notice to every member of the school board of each school district ~~and of the governing body of each town, village and city~~ affected by the proposed reorganization. The secretary shall publish notice of the hearing as a class 2 1 notice, under ch. 985, in the school districts affected by the proposed reorganization. When all other requirements of notice have been complied with, the presence of an official at a hearing waives the required service ~~upon~~ on or mailing to him or her of notice ~~thereof~~ of the hearing.

SECTION 6. 117.08 of the statutes is amended to read:

**117.08 Attachment of small parcels.** The owner of an individual parcel of property ~~adjoining the boundaries of 2 school districts~~ may file a written petition with the school boards of the 2 adjoining school districts requesting that ~~such the~~ parcel be detached from its present school district and attached to the adjoining school district. The petition shall include a description of the parcel sufficiently accurate to determine its location. Each ~~school district board~~ receiving a petition under this section immediately shall send a copy of the petition to the secretary of the agency school committee of each cooperative educational service agency in which the school district lies. At least 20 days before any ~~such~~ transfer is authorized, notice of the proposed transfer, with a description of the property proposed to be transferred, shall be published as a class 1 notice, under ch. 985, in the school districts affected by the proposed transfer. The school boards may detach the property from its present school district and attach it to the adjoining school district by a resolution adopted by a majority of the members of each school board. The resolution shall constitute an order of school district reorganization, shall describe the territory transferred, shall be filed as required by s. 117.01 (2) (c) and shall ~~take effect on July 1 next following its adoption~~ state the day on which it is to take effect. Action by either school board denying the petition or failure to act on the petition within 60 days after its filing constitutes denial of the petition and termination of jurisdiction.

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